

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Abu-Ageel

Application No.: 10/017521

Filed: 12/14/2001

Title: Switch-Variable Optical Attenuator and Switch Arrays

Attorney Docket No.: CORE-73 120-367

Nortel Ref: 13251CK

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Group Art Unit: 2874

Examiner: Lee

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RESPONSE

Dear Sir:

In response to the Office Action dated April 14, 2004, Applicant hereby amends the application as indicated on the attached sheets.

REMARKS

Claims 1-17, 33 and 34 are presently being examined, of which claims 1, 9 and 33 are independent claims. Claims 1-17, 33 and 34 were rejected. Claims 1-3, 6, 8-12, 15, 17, and 33 are currently amended, support for which can be found, *inter alia*, at page 9, lines 16-20.

Reconsideration is respectfully requested.

Claims 1-6, 9-15, 33 and 34 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,404,969 to Tayebati et al. The Office indicated that Tayebati discloses an optical switch and attenuator based on a MEMs-driven cantilever member which selectively couples light in exactly the same manner set forth in the claims. Claims 1, 9 and 33 have been

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Serial No: 10/017,521
Attorney Docket No: 120-367
Client Ref: 13251CK

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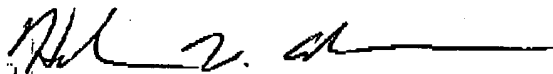
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/017,521
		Filing Date	12/14/2001
		First Named Inventor	Nayef M Abu-Ageel
		Group Art Unit	2874
		Examiner Name	Lee, John D.
Total Number of Pages in This Submission	11	Attorney Docket Number	120-367
		Nortel Ref:	13251CK

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) and letter <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: Please charge any deficiency or credit any overpayment to Deposit Account No. 502569.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Holmes W. Anderson, Reg. No. 37,272 Steubing McGuinness & Manaras LLP
Signature	
Date	July 14, 2004

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